IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MARTHA BAUTISTA, Defendant and Judgment Debtor. ─────────────────── STANISLAUS COUNTY HEALTH SERVICES AGENCY, Garnishee.	Case No.: 1:20-MC-00113-AWI-SKO **FINDINGS AND RECOMMENDATIONS FOR FINAL ORDER OF GARNISHMENT (WAGES)** (Doc. 10) Criminal Case No.: 1:05-CR-00182-AWI **OBJECTIONS DUE: 14 DAYS**

The Court, having reviewed its files and United States of America's Request for Findings and Recommendations for Final Order of Garnishment (Wages) (Doc. 10), and good cause appearing therefore, hereby recommends a final order of garnishment be granted.

Accordingly, IT IS RECOMMENDED that:

1.   The United States' Request for Findings and Recommendations for Final Order of Garnishment be GRANTED;

2.   Garnishee Stanislaus County Health Services Agency be directed to pay the Clerk of United States District Court 25% of Martha Bautista ("Judgment Debtor")'s ongoing and non-exempt disposable wages, earnings, commissions, and bonuses;

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1   3.   Garnishee Stanislaus County Health Services Agency be directed to pay the Clerk of

2   United States District Court the amount of non-exempt disposable wages, earnings, commissions, and

3   bonuses already withheld as a result of the writ, within fifteen (15) days of the filing of the Final Order;

4   4.   Payment shall be made in the form of a cashier's check, money order or company draft,

5   made payable to the Clerk of Court and delivered to the United States District Court, Eastern District of

6   California, 501 I Street, Room 4-200, Sacramento, California 95814. The criminal docket number (1:05-

7   CR-00182-AWI) shall be stated on the payment instrument;

8   5.   Garnishee Stanislaus County Health Services Agency shall garnish $15,973.87 of the

9   Judgment Debtor's wages, representing the litigation surcharge, once the judgment balance of

10 $160,494.35 is satisfied. Garnishee shall pay the litigation surcharge to the United States Department of

11 Justice via a single payment within twenty (20) days of the garnished wages accumulating to the

12 $15,973.87 surcharge amount;

13   6.   To make its payment to the Department of Justice, Garnishee Stanislaus County Health

14 Services Agency shall deliver a cashier's check, money order or company draft in the sum of

15 $15,973.87, made payable to the "United States Department of Justice" and mailed overnight to the U.S.

16 Bank Government Lockbox, Attn: DOJ Production Manager/Box 790363, 1005 Convention Plaza, SL-

17 MO-C2G1, St. Louis, MO 63101. The check shall state "CDCS Number 2005A41126" on the face of

18 the check.

19   7.   The United States is entitled to recover a $15,712.26 litigation surcharge after satisfaction

20 of the judgment in the criminal case denominated as *United States v. Martha Bautista*, Case No. 1:05-

21 CR-00182-AWI;

22   8.   The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the

23 case, if necessary;

24   9.   This garnishment shall be terminated when (1) the United States seeks to terminate the

25 writ, or (2) when the judgment and litigation surcharge are fully satisfied; and

26   10.   The United States shall mail a copy of these findings and recommendations to the

27 Judgment Debtor at her last known address.

28   These findings and recommendations are submitted to the United States District Judge assigned

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to the case pursuant to the provisions of 28 U.S.C. § 636(b)(l). **Within fourteen (14) days** after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: **January 14, 2021**   /s/ *Sheila K. Oberto*
                                                        UNITED STATES MAGISTRATE JUDGE